REMARKS

Reconsideration of the application is respectfully requested.

Claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, and 56-66 have been rejected by the Examiner. No claims have been amended, added, or cancelled. Accordingly, claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, and 56-66 remain pending in the application.

Claim Rejections under 35 U.S.C. § 112

In "Claim Rejections – 35 USC § 112," item 2 on page 2 of the above-identified Office Action, claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, and 56-66 have been rejected for failing to comply with the written description requirement under 35 U.S.C. § 112, first paragraph. More specifically, the Examiner states that the amended claims' recitation of "entry of alphanumeric and user programmable phrases" is not described in the original specification.

Applicants respectfully disagree. The Examiner states that "not the cumulative form of the outlined limitations . . . nor user programmable [phrases] as claimed is subject matter which was described in the original specification." First, Applicants direct the Examiner's attention to page 7, lines 7 through 9: "Note that the example custom codes reserve the two shortest code[s] "dit" and "dah" for two user programmable words or phrases, such as yes/no, morning/evening, sweetie/jerk" (emphasis added). As can be seen, Applicants clearly recite user programmable phrases in the original specification.

Second, the above quoted example custom codes contain not only the user programmable phrases quoted above, but also alphanumeric data. For example, Tables I and II (pages 8-9 of the original specification) represent a custom encoding scheme (see page 7, line 6). As can be plainly seen, this custom encoding scheme includes alphanumeric data and user programmable phrases. Further, the "dits" and "dahs" specify a Morse-code like method of entry of the custom encoding scheme, and Figures 1a-1b illustrate a device capable of facilitating such entry.

Accordingly, the original specification does describe: "entry of alphanumeric and user programmable phrases." Applicants respectfully request the withdrawal of the Examiner's rejection of the claims under 35 U.S.C. §112.

Claim Rejections under 35 U.S.C. § 103

To establish obviousness under 35 U.S.C. § 103, the Examiner must view the invention as a whole. Further, the Examiner is to perform the obviousness analysis in accordance with the standard set forth by the Supreme Court in *Graham v. John Deere Co*. That standard requires that the Examiner (1) determine the scope and content of the prior art; (2) ascertain the differences between the prior art and the claims in issue; (3) resolve the level of ordinary skill in the art; and (4) evaluate evidence of secondary considerations. 383 U.S. 1, 17-18 (1966); *see also* MPEP 2141. Secondary considerations include whether the invention met with commercial success, whether the invention answered a long felt need, and whether others attempting the invention have failed. *Graham*, 383 U.S. at 17-18. Further, in applying the *Graham* framework, the Examiner must consider the invention as a whole, without the benefit of hindsight. MPEP 2141.

In "Claim Rejections – 35 USC § 103," item 4 on page 3 of the above-identified Office Action, claims 1-5, 9, 11, 14-15, 18-22, 27-31, 35-40, 18-27, 30-36, 47-52, and 56-66 have been rejected as being unpatentable over U.S. Patent Application Publication No. 2002/0002643 A1 to *Yamamoto et al.* (hereinafter "Yamamoto") in view of U.S. Patent No. 6,295,441 to *Björkengren* (hereinafter "Björkengren") in further view of U.S. Patent No. 5,297,247 to *Kan* (hereinafter "Kan") under 35 U.S.C. § 103(a).

Claim 1 recites a wireless mobile phone comprising:

"a body casing having a plurality of surfaces;

an input keypad disposed on a first surface of said body casing to facilitate entry of alphanumeric data;

at least a first button disposed on a second surface of said body casing; and

complementary logic in support of the at least first button to facilitate entry of alphanumeric data and user programmable phrases having one or more words, in encoded representations of a variable length encoding scheme using said at least first button, the variable length encoding scheme having a plurality of codes of various code lengths, with one or more of the plurality of codes having the shortest lengths reserved for the user programmable phrases."

In contrast, the combination of Yamamoto, Björkengren, and Kan fails to teach or suggest at least a "variable length encoding scheme having a plurality of codes of various code lengths, with one or more of the plurality of codes having the shortest lengths reserved for the user programmable phrases."

First, as the Examiner notes, Yamamoto and Björkengren fail to teach or suggest "user programmable phrases". To remedy this deficiency, the Examiner cites Kan. While Kan does admittedly teach "programmable phrases", nothing in Kan indicates that the programmable phrases (which are described as representing Chinese characters) are *user programmable phrases*, as that term is used in the Specification of the instant application. On page 7, lines 9-10 of the Specification, Applicants state that user programmable phrases are defined by the users. Nothing in Kan indicates that the programmable phrases taught therein are definable by a user.

Even assuming for the sake of argument that the programmable phrases of Kan teach or suggest the "user programmable phrases" of claim 1, the combination of Yamamoto, Björkengren, and Kan simply does not teach or suggest a variable length encoding scheme reserving the two shortest length codes for user programmable phrases. The only sort of variable length encoding disclosed in any of the references, the Morse code of Yamamoto, reserves its two shortest length codes for the most frequently used characters, 'T' and 'E.' Not even one of the codes, much less the two shortest length codes, of the Morse code of Yamamoto is reserved for a user programmable phrase. Because the two shortest length codes of Morse code are not reserved for user programmable phrases, Morse code simply cannot teach or suggest a "variable length encoding scheme … having the shortest length [code]s reserved for the user programmable phrases", as is claimed by claim 1.

Lastly, the "programmable phrases" of Kan cannot simply be added to the Morse code of Yamamoto to arrive at the variable length encoding scheme of claim 1. Morse code is in fact incompatible with the addition of user programmable phrases and, thus, one skilled in the art would not think to combine them. As mentioned, Morse code reserves its two shortest length codes for the alphanumeric characters "T" and "E". Replacing T and E with user programmable phrases requires the create of additional codes for T and E, creating a custom encoding scheme that is neither taught nor suggested by any of the cited prior art references. While such a scheme is contemplated by the instant Application, reliance on the instant Application constitutes impermissible hindsight. Thus, absent some motivation to redefine Morse code disclosed or suggested either by the cited references or the art, the combination is improper.

Accordingly, claim 1 is patentable over Yamamoto, Björkengren, and Kan, alone or in combination, under 35 U.S.C. §103.

Claims 21, 31, 47, 56, 60, and 62-64 recite limitations similar to those of claim 1. Accordingly, for at least the same reasons, claims 21, 31, 47, 56, 60, and 62-64 are patentable over Yamamoto, Björkengren, and Kan, alone or in combination, under 35 U.S.C. §103.

Claims 2-5, 9, 11-15, 18-20, 22, 27-30, 35-40, 48-52, 57-59, 61, and 65-66 depend from claims 1, 21, 31, 47, 56, 60, and 64, incorporating their limitations respectively. Accordingly, for at least the same reasons, claims 2-5, 9, 11-15, 18-20, 22, 27-30, 35-40, 48-52, 57-59, 61, and 65-66 are patentable over the cited art under 35 U.S.C. §103.

Conclusion

Applicants submit that all pending claims, claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52, and 56-66, are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is

kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
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